REMARKS

In response to the Office Action dated August 3, 2010, claim 22 has been amended. Claims 22-35 are pending in the application.

In paragraph 3 on page 4 of the Office Action, claims 22-27, 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Jahn.

In paragraph 4 on page 9 of the Office Action, claims 28-32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terreault in view of Jahn, and in further view of Pandya.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended the claims.

Independent claim 22 sets forth receiving, at a monitor and control unit located remote from at least one head-end, status relating to operations of head-end elements in preparing and delivering content by an in-band delivery system to subscriber terminals within a coverage area of the head-end elements, collecting by the monitor and control unit capability information for each of a plurality of remote devices of off-site personnel including an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices. processing the status relating to the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements to identify problems associated with delivery of content by the head-end elements and to generate report messages for the off-site personnel based on the identified problems, forwarding the report messages from the monitor and control unit to a communication server for routing to at least one of the plurality of remote devices designated from the plurality of

remote devices and sending the report messages from the communication server to the designated remote devices to present the report messages to the off-site personnel associated with the designated remote devices for troubleshooting the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements.

In contrast, Terreault merely describes a system that includes a control computer for monitoring reverse paths. Problems with the reverse paths are identified and alarms are sent by page and email to staff.

However, Terreault fails to disclose, teach or suggest receiving status relating to operations of head-end elements in preparing and delivering content by an in-band delivery system to subscriber terminals. Rather, Terreault monitors a reverse path for ingress problems.

Terreault further fails to disclose, teach or suggest collecting capability information for remote devices of off-site personnel. Rather, Terreault merely describes sending pager or email messages to remote staff. Terreault does not mention collecting capability information for remote devices of off-site personnel. The Office Action states that since pager and email messages are sent to remote staff, capability information for such remote devices must be collected. However, this assertion is merely an assumption and is not based on any evidence. Moreover, capability information for pagers and email accounts are not needed to send pager and email messages. Rather, pager numbers and email addresses are all that is needed. Such information has not relation to capability of remote devices associated with the pager numbers and email addresses.

Terreault further fails to disclose, teach or suggest collecting an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated

with each of the plurality of remote devices. Terreault does not mention collecting any such information.

Terreault further fails to disclose, teach or suggest processing the status relating to the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Again, Terreault merely relates to reverse paths. Operations for preparing and delivering content via in-band delivery system by the head-end elements is not a concern of Terreault.

Still further, Terreault fails to disclose, teach or suggest processing status to identify problems associated with delivery of content by the head-end elements and to generate report messages for the off-site personnel based on the identified problems. Terreault does not mention processing status to identify problems associated with delivery of content. Rather, Terreault merely processes status regarding ingress data from the reverse paths.

Terreault also fails to disclose, teach or suggest forwarding report messages configured according to the collected capability information for each of a plurality of remote devices. Terreault does not mention collecting any such information. Terreault further fails to suggest configuring report messages according to collected capability information for each of a plurality of remote devices.

Yet further, Terreault fails to disclose, teach or suggest sending the report messages from the communication server to the designated remote devices to present the report messages to the off-site personnel associated with the designated remote devices for troubleshooting the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Terreault does not mention sending report messages for troubleshooting

the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements.

Thus, Terreault fails to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Jahn fails to overcome the deficiencies of Terreault. Jahn is merely cited as disclosing automatically reporting faults in a network and providing a recommended solution. According to Jahn, a system automatically identifies the location and nature of a malfunction in a distributed communication system. As with Terreault, Jahn discloses that the alarm report can be emailed using a standard SMTP email server, or the alarm report can be posted to a convention textual pager system.

Because Jahn identifies the location and nature of the malfunction, Jahn does not need to send report messages for troubleshooting the system. Further, Jahn merely describes the use of pager and email for providing an alarm report. Jahn does not disclose, teach or suggest collecting capability information for remote devices of off-site personnel. Rather, Jahn merely describes sending pager or email messages to remote staff.

Jahn further fails to disclose, teach or suggest receiving status relating to operations of head-end elements in preparing and delivering content by an in-band delivery system to subscriber terminals. Jahn also fails to disclose, teach or suggest collecting an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices. Jahn does not mention collecting any such information.

Jahn further fails to disclose, teach or suggest processing the status relating to the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Again, Jahn merely relates to a telephony intranet server (TIS). Operations for preparing and delivering content via in-band delivery system by the head-end elements is not a concern of Jahn.

Still further, Jahn fails to disclose, teach or suggest processing status to identify problems associated with delivery of content by the head-end elements and to generate report messages for the off-site personnel based on the identified problems. Jahn does not mention processing status to identify problems associated with delivery of content from a head-end to a subscriber terminal. Jahn simply monitors selected communication paths between Private Branch Exchanges (PBXs) and an external distributed network of computers, such as the Internet.

Jahn also fails to disclose, teach or suggest forwarding report messages configured according to the collected capability information for each of a plurality of remote devices. Jahn does not mention collecting any such information. Jahn further fails to suggest configuring report messages according to collected capability information for each of a plurality of remote devices.

Yet further, Jahn fails to disclose, teach or suggest sending the report messages from the communication server to the designated remote devices to present the report messages to the off-site personnel associated with the designated remote devices for troubleshooting the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Jahn does not mention sending report messages for troubleshooting the

operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Jahn only discloses detecting a fault in a telephonic communications system and forwarding the report to personnel for repairing the telephonic communications system.

Thus, Terreault and Jahn, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Pandya fails to overcome the deficiencies of Terreault and Jahn. Pandya is merely cited as monitoring status of buffers for encoding data, multiplexing transport streams and bit rates for a plurality of data being provided at the head-end. Pandya further teaches having cellular telephones as part of the devices that can be a control point or agent. However, Pandya fails to disclose, teach or suggest collecting, by a monitor and control unit located remote from at least one head-end, capability information for each of a plurality of remote devices of off-site personnel. Pandya fails to even mention collection capability information for each of a plurality of remote devices of off-site personnel.

Pandya also fails to suggest receiving status relating to operations of head-end elements in preparing and delivering content by an in-band delivery system to subscriber terminals. Rather, Pandya discloses agent modules, wherein each agent being associated with one of a plurality of computers and adapted to dynamically monitor the associated computer at a data transmission point between an application program running on the computer and the transport protocol layer and repeatedly communicate with the control module in order to effect management of the distributed network system. Pandya fails to even mention receiving status relating to operations of head-end elements in preparing and delivering content by an in-band delivery system to subscriber terminals.

Pandya further fails to disclose, teach or suggest collecting capability information for remote devices of off-site personnel. Rather, Pandya does not mention collecting capability information for remote devices of off-site personnel.

Pandya further fails to disclose, teach or suggest collecting an identity of each of the plurality of remote devices, a device type of each of the plurality of remote devices, a device format supported by each of the plurality of remote devices and a reporting level associated with each of the plurality of remote devices. Pandya does not mention collecting any such information.

Pandya further fails to disclose, teach or suggest processing the status relating to the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Again, Pandya merely relates to agent modules that monitor an associated computer at a data transmission point between an application program running on the computer and the transport protocol layer and repeatedly communicate with the control module in order to effect management of the distributed network system. Operations for preparing and delivering content via in-band delivery system by the head-end elements is not a concern of Pandya.

Still further, Pandya fails to disclose, teach or suggest processing status to identify problems associated with delivery of content by the head-end elements and to generate report messages for the off-site personnel based on the identified problems. Pandya does not mention processing status to identify problems associated with delivery of content.

Pandya also fails to disclose, teach or suggest forwarding report messages configured according to the collected capability information for each of a plurality of remote devices. Pandya does not mention collecting any such information. Pandya further fails to suggest

configuring report messages according to collected capability information for each of a plurality of remote devices.

Yet further, Pandya fails to disclose, teach or suggest sending the report messages from the communication server to the designated remote devices to present the report messages to the off-site personnel associated with the designated remote devices for troubleshooting the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements. Pandya does not mention sending report messages for troubleshooting the operations for the preparing and delivering of content via the in-band delivery system by the head-end elements.

Thus, Terreault, Jahn and Pandya, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claim 22, as amended.

Dependent claims 23-35 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claim 22. Further dependent claims 23-35 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 23-35 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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